

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Eric Forsythe, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

Sun Life Financial Inc., et al.,

Defendants.

Civil Action No. 04cv10584 (GAO)

Larry R. Eddings, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

Sun Life Financial Inc., et al.,

Defendants.

Civil Action No. 04cv10765 (GAO)

Richard Koslow, Individually and on Behalf of  
All Other Similarly Situated

Plaintiff,

v.

Civil Action No. 04cv10765 (GAO)

Sun Life Financial Inc., et al.,

Defendants.

Marcus Dumond, Henry Berdat, Stuart V. and  
Rosemary Sturgess, Kathleen Blair, William and  
Margie Booth, Karen Peach, and Richard and  
Evelyn Keller,

Plaintiffs,

v.

Civil Action No. 04cv11458 (GAO)

Massachusetts Financial Services Company and  
MFS Fund Distributors, Inc.

Defendants.

**MOTION FOR THE DUMOND PLAINTIFFS FOR LEAVE TO FILE  
SUR-REPLY IN OPPOSITION TO AMENDED MOTIONS FOR CONSOLIDATION  
AND FOR APPOINTMENT OF TRI-LEAD COUNSEL**

The *Dumond* Plaintiffs move pursuant to Local Rule 7.1 for leave to file a Proposed Sur-reply in Opposition to Amended Motions for Consolidation and for Appointment of Tri-lead Counsel (the “Sur-reply”) (attached hereto as Exhibit A), to address the new facts and arguments made for the first time by Plaintiffs Eric Forsythe, Larry Eddings and the City of Chicago Deferred Compensation Plan (the “*Forsythe* Plaintiffs”) in their Reply Brief in Support of the *Forsythe* Plaintiffs’ Motions for Consolidation, Appointment of Co-Lead Plaintiffs, Appointment of Co-Lead Counsel, and Appointment of Liaison Counsel, filed on October 13, 2004 (the “Reply”). Because the *Forsythe* Plaintiffs, in their Reply, rely upon what they claim to be a change of circumstances which occurred after the *Dumond* Plaintiffs filed their Memorandum in Opposition to Amended Motions for Consolidation and for Appointment of Tri-Lead Counsel, this motion for leave to file the Proposed Sur-reply should be granted.

Certification Pursuant to Rule 7.1

On October 15, 2004, pursuant to Local Rule 7.1, the undersigned counsel conferred with counsel for the *Forsythe* Plaintiffs and counsel for defendants Massachusetts Financial Services Company and MFS Fund Distributors, Inc. (“MFS”). Counsel for MFS advised the undersigned counsel that he had no opposition to the filing of the Proposed Sur-reply. Counsel for the *Forsythe* Plaintiffs advised the undersigned that she would oppose the filing of the Proposed Sur-reply.

Dated: October 15, 2004

Respectfully submitted:

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